

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SSGT JASON A. ADKINS, USAF, :  
:  
Plaintiff, :  
:  
v. : Civil Action No. 04-1453-JJF  
:  
DONALD H. RUMSFELD, :  
Secretary of Defense, et al., :  
:

O R D E R

At Wilmington, this 24 day of August 2006, for the reasons  
set forth in the Memorandum Opinion issued this date;

IT IS HEREBY ORDERED that:

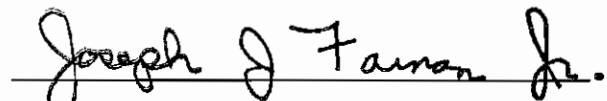
1. Defendants' Motion To Dismiss (D.I. 28) is GRANTED as  
it pertains to Count II of the Amended Complaint and Plaintiff's  
request for relief in the form of access to information  
Defendants possess regarding the health-related effects of the  
squalene tainted anthrax vaccine and DENIED as it pertains to  
Count I of the Amended Complaint and the remaining forms of  
relief sought by Count I.

2. Plaintiff shall file a Second Amended Complaint within  
**twenty (20) days** of the date of this Order.

3. The parties shall file a stipulated proposed Scheduling  
Order, or if one cannot be agreed to, their respective proposals

as outlined by the Court in the Memorandum Opinion accompanying this Order within **twenty (20) days** of the date of this Order.

4. Defendants are given leave to refile their Motion To Dismiss as a Motion For Summary Judgment on the issue of causation in the context of standing at the close of the discovery period to be set forth in the proposed Scheduling Order as contemplated by the Court's Memorandum Opinion.

  
UNITED STATES DISTRICT JUDGE